

A N
A C T
F O R

Making and Repairing the Road,
Leading from the Town of *Asby*, in the
County of *Kildare*, through Part of the
Queen's County, and through the Town
of *Castlecomer*, in the County of *Kilkenny*,
to the Town of *Old Leighlin*, in the County
of *Carlow*, and from thence to and through
the Town of *Leighlin Bridge*, in the said
County of *Carlow*.

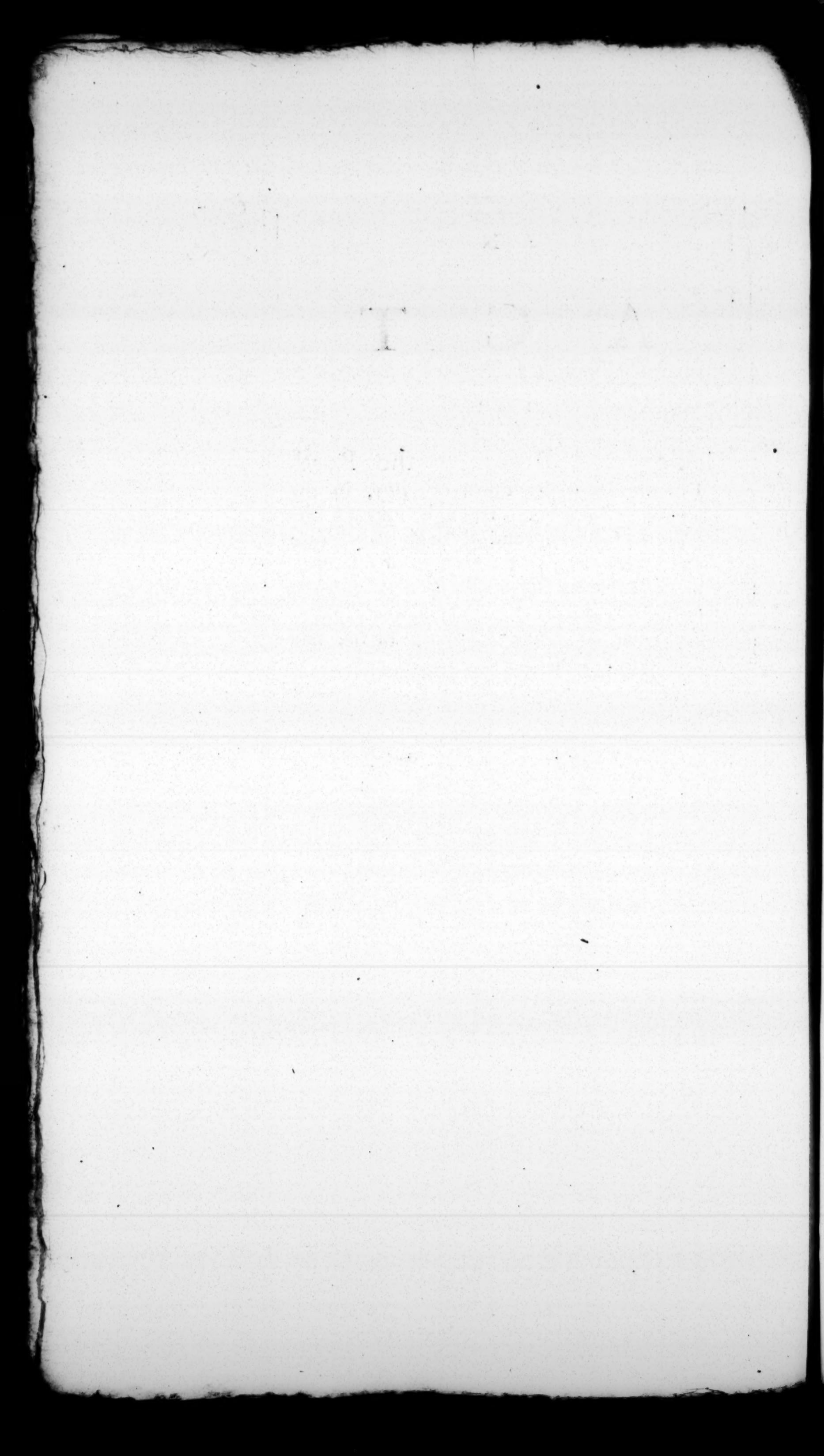
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D U B L I N:

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A N

A C T

F O R

Making and Repairing the Road, Lead-
ing from the Town of *Athy*, in the County
of *Kildare*, through Part of the *Queen's Coun-*
ty, and through the Town of *Castlecomer*,
in the County of *Kilkenny*, to the Town of
Old Leighlin, in the County of *Carlow*, and
from thence to and through the Town of
Leighlin Bridge, in the said County of *Carlow*.

C H A P. XIX.

W H E R E A S the High-Way or
Road Leading from the Town of
Athy, in the County of *Kildare*,
through Part of the *Queen's County*, and
through the Town of *Castlecomer*, in the
County of *Kilkenny*, to the Town of *Old*
Leighlin,

CHAP. Leighlin, in the County of Carlow, and
XIX. from thence to and through the Town
of Leighlin Bridge, in the said County of
Carlow, by Reason of the several Hollow
Ways, and the many and heavy Car-
riages frequently passing through the same,
are become so Ruinous and Bad, that in
the Winter Season many Parts thereof are
Impassable for Waggons, Carts, Carrs,
and Carriages, and very Dangerous for
Travelers, and cannot, by the Ordinary
Course Appointed by the Laws and Sta-
tutes of this Realm, be Effectually A-
mended, and Kept in Good and Suf-
ficient Repair;

Wherefore, and to the Intent that the
said High-Ways and Roads may, with
Convenient Speed, be Effectually Amend-
ed, and hereafter Kept in Good and Suf-
ficient Repair, so that all Persons may
Travel through the same with Safety;

We it Enacted by the King's most Ex-
cellent Majesty, by and with the Advice
and Consent of the Lords Spiritual and
Temporal, and Commons in this Present
Parliament Assembled, and by the Authority
of the same, That for the better Surveying,
Ordering, Amending, and Keeping in Re-
pair the said High-Way or Road, It shall
be in the power of the Right Honourable
James Earl of Kildare, the Right Honour-
able John Lord Viscount Castlecomer, the Right

Right Honourable Edward Earl of Drog-heda, the Right Reverend Michael Lord Bishop of Ossory, the Right Honourable Thomas Carter Esquire, the Right Honourable Henry Moore Esquire, commonly called Lord Moore, the Honourable Charles Moore, the Honourable Ponsonby Moore, Sir Kildare Dixon Borrowes Baronet, Sir Richard Butler Baronet, Maurice Keating Esquire, Harvey Morres Esquire, Redmond Morres Esquire, Patrick Wemys Esquire, Jonah Barrington Esquire, James Wemys Esquire, Walter Weldon Esquire, Benjamin Stratford Esquire, Robert Fitzgerald Esquire, George Hartpole Esquire, the Reverend John En-raught Clerk, Richard Meredyth, John Stratford, Esquires, Euseby Stratford Esquire, Benjamin Burton Esquire, Maurice Keating, Junioz Esquire, John Baggot Esquire, Robert Harmon Esquire, George Warburton, Esquire, John Bourke Esquire, Thomas Burgh Esquire, Richard Toller Esquire, John St. Leger Esquire, William Annesley Esquire, William-Henry Dawson Esquire, Warner Westenra Esquire, John Parnel Esquire, Hunt Walsh Esquire, Hunt Walsh the Younger Esquire, Arthur Weldon Esquire, Moore Disney Esquire, Francis Lodge Esquire, Theobald Caulfield Esquire, Arthur Bush Esquire, John Hobson Esquire, Reverend Arthur Webb Clerk, Robert Hamerton Esquire, Amyas Hewettson Esquire, William Talbot Esquire, William Gun Esquire, James Enraght Esquire, Richard Griffith Esquire, Re-

CHAP. ~~Reverend~~ William Connel Clerk, ~~Reverend~~ Ro-
XIX. bert Connel Clerk, William Denn Gentleman,
~~W~~ William Wheeler Gentleman, Thomas Bun-
bury Esquire, William Bunbury Esquire, Ni-
cholas Aylward Esquire, ~~Reverend~~ Anthony
Weldon Clerk, Morley Saunders Esquire, Wil-
liam Cooper Esquire, Edward Hardmon Es-
quire, John Pigott Esquire, Bernard Rudkins
Esquire, Joseph Smyth Esquire, William But-
ler Esquire, Thomas Weldon Esquire, ~~Re-~~
~~verend~~ David Price Clerk, Joseph Higginson,
Gentleman, John Berry Gentleman, John
Bambrick Esquire, John Barrington Esquire,
Anthony Gale Esquire, William Cooper Es-
quire, Edward Sterling Esquire, Boyle Browne
Esquire, Oliver Grace Esquire, Michael Grace
Esquire, Colonel Robert Burton, James Ha-
milton Esquire, Sir Richard Wolsely Baro-
net, Honorable Robert Jocelyn Esquire,
Thomas Carter Junior Esquire, the Right
~~Reverend~~ Robert Bishop of Leighlin, Colo-
nel John Stewart, William Stewart Esquire,
the Reverend Bartholomew Vigors Dean of
Leighlin, Christopher Hewetson Esquire, Re-
verend Thomas Jenkins Clerk, John Vigors
Esquire, John Rochfort Esquire, Robert Roch-
fort Esquire, William Carpenter Esquire,
Francis Bernard Esquire, Reverend Thomas
Bernard, Joseph Bernard Esquire, John Ha-
milton Esquire, Thomas Butler Esquire, Cox-
well Henry Larive, Luke Mercer Esquire, Wil-
liam Brereton Esquire, Reverend George
Crump Clerk, Reverend Mr. Robert Pinsent
Clerk, Joseph Wills Esquire, George Daker
Gentleman,

Gentleman, John Draught Gentleman, An- CHAP.
thony Draught Gentleman, Robert Mulligan XIX.
Gentleman, Darby Brenan Gentleman, Ed-
mond Nolan Gentleman, John Seale Gentle-
man, John Wandesford Gentleman, Robert
Bradley Gentleman, John Whitehead, Gen-
tleman, Henry Whitehead Gentleman, James
Mc. Roberts Gentleman, John Higginbottom
Gentleman, George Chapman Gentleman,
Joshua Johnson Gentleman, Reverend John
Baldrick Clerk, George King Gentleman,
Charles King Gentleman, and William Crow
Gentleman, Who are hereby Nominat-
ed and Appointed Trustees of the said
Roads, and the Survivors of them, they,
or any Five or more of them, or such Per-
son or Persons as they, or any Five or more
of them, shall Authorize and Appoint, shall
and may Erect or cause to be Erected, One
or more Gate or Gates, Turn-pike or
Turn-pikes, in, upon or across any Part
or Parts of the said High-Ways and
Roads, and also a Toll-house or Toll-
houses, and there shall Receive and
Take the Tolls and Duties following;
Before any Horse, Mare, Gelding, Cat-
tle, Coach, Berlin, Chariot, Calash,
Chaise, Chair, Waggon, Wain, Cart,
Carr, or other Carriage, shall be Per-
mitted to pass through the same, (Viz.)
for every Coach, Berlin, Chariot, Ca-
lash, Chaise, or Chair Drawn by Six
Horses, Geldings or Mares, the Sum
of One Shilling and Six Pence; and

CHAP. for every Coach, Berlin, Chariot, Ca-
XIX. lass, Chaise or Chair, Drawn by any
~~~~~ lesser Number of Horses, Geldings or  
Mares than Six, and more than Two,  
One Shilling; For every Coach, Ber-  
lin, Chariot, Calash, Chaise or Chair,  
Drawn with Two Horses, Geldings or  
Mares, Six pence; For every Wag-  
gon, Wain, or Cart, with Four Wheeles,  
the Sum of Ten Shillings; For every  
Waggon, Wain, or Cart with Two  
Wheeles, Drawn by more than Two  
Horses, Mares, Geldings, or Oxen, the  
Sum of Five Shillings; For every  
Cart, Waggon, or Carr, Drawn with  
Two Horses, Geldings or Mares, the  
Sum of Four Shillings; For every Car-  
riage commonly called a Chair or Chaise,  
with One Horse, Mare or Gelding, the  
Sum of Three pence; For every Carr  
or other Carriage, Drawn but by One  
Horse, Mare, or Gelding, the Sum of One  
penny; Excepting Carrs and Horses load-  
en with Turf; For every other Horse,  
Mare, Gelding, Mule, or Ass, Laden  
or Unladen, and not Drawing, One  
penny; For every Drove of Oxen, Cows,  
or Meat Cattle, the Sum of Ten Pence  
per Score, and so in Proportion for any  
greater or lesser Number; For every  
Drove of Calves, Hoggis, Sheep, or  
Lambs, the Sum of Five Pence per  
Score, and so in Proportion for any great-  
er or lesser Number; Which said respective  
Sum

Sum or Sums of Money shall be Demanded, and Taken in the Name of, or as a Toll or Duty; And the Money so to be Raised as aforesaid, is, and shall hereby be vested in the said Trustees; And the same, and every Part thereof, shall be paid, Applied and Disposed of, and Assigned, to and for the several Uses, Intents and Purposes, and in such Manner, as is herein after Mentioned and Directed; And the said Trustees, or any five or more of them, are hereby Impowered by themselves, or any Person or Persons by them, or any five or more of them, under their Hands and Seals thereunto Authorized, to Levy the Toll or Duty hereby Required to be paid upon any Person or Persons, who shall after Demand made thereof, Neglect or Refuse to pay the same, by Distress of any Horse or Horses, or other Cattle or Goods upon which such Toll or Duty is by this Act Imposed, or upon any of the Goods and Chattels, of such Person or Persons who ought to pay the same, and may Detain and Keep the same, till such Toll or Duty with the reasonable Charges of such Distressing or Keeping shall be paid; And it shall and may be Lawful, to and for the Person or Persons so Distressing, after the Space of five Days from the Time such Distress Made and Taken, to Sell the Goods Distained, Returning the Overplus

CHAP. verplus (if any be) upon Demand to  
XIX. the Owner thereof, after such Toll, Duty,  
and Reasonable Charges for Distaining  
and Keeping the same, shall be Paid.

And be it further Enacted by the Authority aforesaid, That out of the first Money Arising from the Profits of the several Turn-pikes to be Erected, the said Trustees, or any five or more of them, shall first pay and Discharge the Expence of Procuring this Act of Parliament, and of Erecting such Turn-pike or Turn-pikes, or Building such Toll-house or Toll-houses, and from and after such Charges and Expences shall be Fully Satisfied and Paid, that then and from thenceforth the Profits Arising, and the Toll to be Collected at any Turn-pike or Turn-pikes, to be Erected or Set up on the said Road, Leading from the Town of Athy in the County of Kildare, through Part of the Queen's County, and through said Town of Castlecomer in the County of Kilkenny, to the Town of Old Leighlin, in the County of Carlow, and from thence to and through the Town of Leighlin Bridge, in the said County of Carlow, shall be Applied for and towards the Repair of the said Road only, and not elsewhere.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, or Renting,

or

or Occupying any Land near unto any Turn-pike to be Erected in pursuance of this Act, shall, for Gain, Reward, or Otherwise, permit any Person or Persons whatsoever to pass through any Gate, Passage or Way, with any Coach, Berlin, Chariot, Calash, Chaise, or Chair, Waggon, Wain, Cart, Carr, or other Carriage, or Riding, or Drawing any Horse, Mule, Ass, or any Sort of Cattle, to Avoid the Payment of the Toll hereby Appointed to be paid, and shall be thereof Convicted, upon the Oath of One or more Witnesses or Witnesses, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the County wherein such Offence or Offences shall be Committed, who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees Authorized to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices, Rendering the Overplus (if any be) the Charges in Taking and Disposing of the said Goods being first Deducted.

And be it further Enacted by the Authority aforesaid, That it shall and may

CHAP. be Lawful, to and for the said Trustees,  
XIX. or any five or more of them, to Erect  
One or more Gate or Gates, Turn-pike  
or Turn-pikes on the Side of the said  
High-Ways or Roads, Cross any Lane  
or Way Leading out of the said Road,  
and to Build One or more Toll-house  
or Toll-houses, and there to Receive and  
Take such Toll as is Appointed by this  
Act to be Taken, so as the same do not  
Extend to a Double Charge in Case of  
passing the same Day through any of the  
other Turn-pikes, to be Erected by Virtue  
of this Act, from the Town of Athy,  
in the County of Kildare, through Part  
of the Queen's County, and through the  
Town of Castlecomer, in the County of  
Kilkenny, and through the said Town of  
Old Leighlin, in the County of Carlow, to  
and through the Town of Leighlin Bridge,  
in the said County of Carlow.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any five or more of them, at their first Meeting, or any Succeeding Meeting, by Writing under their Hands and Seals, shall and may Elect, Nominate, and Appoint One or more fit Person or Persons to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty, as shall be Due and payable by Virtue of this Act, and also One or more fit Person or Persons to be Surveyor

beyor or Surveyors to see the Condition of the said High-Way or Road, and to see that the same be Repaired and Amend-  
ed, and that the Money Arising and Ex-  
pended by Virtue of this Act be duly  
Applied, and from Time to Time to Re-  
move such Collectors, Receivers, and Sur-  
veyors, or any or either of them, as they  
shall see Occasion, and Appoint New  
Ones in Case of Death, or of such Re-  
moval; And such Person or Persons as  
is or are Liable by this Act to Pay the  
said Toll or Duty is, and are hereby Re-  
quired to Pay the same, after the Rates  
aforesaid, to the said Receiver or Receiv-  
ers, Collector or Collectors of the said  
Toll or Duty, in that Behalf, from Time  
to Time, Appointed as aforesaid, for the  
Receiving the said Toll or Duty, and  
such Surveyor or Surveyors, as aforesaid,  
shall, upon Oath, by the Trustees,  
or any five or more of them, or before  
One or more Justice or Justices of the  
Peace, Residing near the High-Way or  
Road aforesaid, which Oath such Trus-  
tees, or any five or more of them, or  
such Justice or Justices is, and are here-  
by Impowered and Required to Admini-  
ster, on the First Tuesday in every Month,  
or oftenet, if Required, during the Con-  
tinuance of this Act, give in a True,  
Exact, and Perfect Account, in Writ-  
ing, under their respective Hands, of all  
Money which he and they, and every,

CHAP. or any of them, or any Person Employed  
XIX. by them or any of them, shall to such Time  
have Received, Paid, and Disbursed, by Virtue  
of this Act, by Reason of their respective  
Offices, for which Oath no Fee or Reward  
shall be taken, and in Case any Money,  
so Received, shall Remain in their,  
or any of their Hands, the same shall be  
Paid to the said Trustees, or any Five or  
more of them, or to such Person or Persons  
as the said Trustees, or any Five or more  
of them, shall by any Writing or Writ-  
ing, under their Hands and Seals, Au-  
thorize and Impower to Receive the same,  
which shall be Disbursed and Laid out in  
Amending the said High-Ways or Roads,  
according to the true Intent and Mean-  
ing of this Act, and not otherwise; And  
the said Trustees, or any Five or more of  
them, to whom such Account shall be  
Given, shall, and may out of the Mo-  
ney arising by the said Toll or Duty,  
make such Allowance to the said  
Receiver or Receivers, Collector or Col-  
lectors, and the Surveyor and Survey-  
ors, for, and in Consideration of his  
and their Care and Pains, respectively  
Taken in the Execution of his, and  
their Office and Offices, and to such other  
Person or Persons who have been, or  
shall be Assisting in and about Prosecuting  
the said High-Ways and Roads to be A-  
mended and Repaired, by Advancing and  
Laying out any Money, or otherwise Re-  
lating

lating thereunto, as to them shall seem good, so as such Allowance or Allowances to such Collector or Collectors do not Annually exceed Twenty Pounds, and to such Surveyor or Surveyors any Sum not exceeding Two Shillings a Day, during such Time or Times as he or they shall be respectively Employed in the Repair of the said Roads, and so as such Allowance or Allowances, to any other Person or Persons, who shall be Employed by Virtue of this Act, does not Exceed the Sum of Fifteen Pounds Yearly to each Person; And in Case the said Receiver or Receivers, Collector or Collectors of the aforesaid Toll or Duty, or any of them, shall not make such Account and Payment, unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any Five or more of them, as aforesaid, that then the said Justices of the Peace, at any Special Sessions or Meeting of them, to be Holden for the County in which the said Receiver or Receivers, Collector or Collectors, have Acted or been Employed, and made such Default as aforesaid, shall, and are hereby Required and Impowered to make Enquiry, and Finally to Determine of and Concerning such Default, as well by the Confession of the said Parties themselves, as by the Testimony of One or more Credible Witnesses or Witnesses, upon Oath,

CHAP. Which Oath they are hereby Impolbered  
XIX. and Required to Administer Without Fee  
or Reward, and if any Person or Persons  
shall be Convicted thereof, by such Justices,  
the said Justices shall, upon such Conviction,  
Commit the Party or Parties  
to the Common Goal of the County  
where such Offence shall be Committed,  
there to Remain, without Bail or Main-  
prise, until he or they shall have made a  
True and Perfect Account and Payment  
as aforesaid.

And be it Enacted by the Authority  
aforesaid, That it shall and may be  
Lawful, to and for the said Surveyor  
or Surveyors, and such Person or Persons,  
as he, or they shall Appoint to Dig,  
Raise, Gather, Take and Carry away,  
any Gravel, Furze, Sand, Stones or  
other Materials, out of any Waste or  
Common of any Parish, Town, Vil-  
lage or Hamlet, in, or near which any  
Fouderous or Ruinous places of the  
said High-Ways or Roads do lie, and for  
Want of sufficient Gravel, Furze, Sand,  
Stones or other Materials, there to Dig,  
Gather, Raise, Take and Carry away the  
same, out of any Waste or any Common of  
any Neighbouring Parish, Town, Village  
or Hamlet, without Paying any Thing for  
the same; And where there is not suf-  
ficient of any such Materials in any Com-  
mon or Waste Ground near Adjoining,  
it

it shall and may be Lawful for them, by Order of the said Trustees, or any Five or more of them, to Dig, Raise, and Gather the same, in the several Grounds of any Person or Persons, not being a Garden, Orchard, Yard or Meadow, planted Walk, or Walks, or Avenue to a House, where any such Materials are, or may be Found, and from Time to Time to Carry alway such, and so much thereof, as the said Surveyor or Surveyors shall Adjudge Necessary for the Repairing and Amending the said High-Ways or Roads, Paying such Rates for such Materials to the Owner or Occupier of the Ground, from whence the same shall be Dugged, Raised, Gathered and Carried away, as the Trustees Appointed, or to be Appointed, to put this Act in Execution, or any Five or more of them, shall Adjudge Reasonable; And in Case of any Difference betwixen such Owner or Occupier, and the said Trustees touching the Value of the Materials and the Damage aforesaid, the Judges of Assize, at the next General Assizes, and General Goal Delivery, to be Holden in the County, where such Materials shall be Dugged, Raised, or Gathered, and from whence the same shall be Carried alway, may and shall Adjudge, Assess, and finally Determine the same.

CHAP.

XIX. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint from Time to Time, to Remove and Prevent Annoyances on any Part of the said High-Ways or Roads hereby intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks, or Drains Running into the said High-Ways or Roads, and to Cleanse any Ditch or Water-Course Adjoining to the said Roads, and to Cut down, Lop, or Top any Trees or Bushes Growing in the said High-Ways, or in the Hedges or Banks Adjacent to the said High-Ways, and to Take and Carry away the same, the Owner or Occupier Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances for the Space of Ten Days, after Notice in Writing given for that Purpose, under the Hands of Five of the said Trustees, the Charges Whereof shall be Reimbursed the said Surveyor or Surveyors, by such Owners or Occupiers Neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if after Removal of any such Annoyances, any Person or Persons shall again offend in like Kind, every such Person or Persons so Offending, and being thereof Convicted, upon the Oath of One or more Witness

or

by Witnesse, before One or more Justice  
or Justices of the Peace for the said Coun-  
ty where such Offences shall be Commit-  
ted, shall, for every such Offence, Forfeit  
and Pay unto the said Trustees Whets  
such Offence shall be Committed, Ten  
Shillings, to be Levied in Manner afore-  
said.

And be it further Enacted by the Au-  
thority aforesaid, That it shall and may  
be Lawful to and for the said Surveyor  
or Surveyors, by Order of the said Trus-  
tees, or any Five or more of them, to  
Make, or Cause to be Made, Cause-  
ways, and to Cut and Make Drains  
through any Grounds lying Contiguous  
to the said Roads, and to Erect Arches of  
Brick, Timber or Stone, therupon, and  
also to Widen any of the Narrow parts  
of the said High-Ways or Roads, by O-  
pening, Clearing, and Laying into the  
said High-Ways or Roads, any Ground of  
any Person or Persons lying Contiguous  
to such High-Ways or Roads, not being  
a House, Garden, Orchard, Planted Walk,  
or Avenue to a House, and also to Cause  
Ditches or Trenches to be made in such  
places, and in such Manner, as such  
Surveyor or Surveyors, by Order of the  
said Trustees, or any Five or more of  
them, shall Adjudge Necessary for the bet-  
ter Amending, and Keeping the said High-  
Ways or Roads in good Repair, making

4 p such

CHAP. such Reasonable Satisfaction to the Owner  
XIX. et or Occupier of such Ground which shall  
be so Laid in or unto the said High-  
Ways or Roads, through which any such  
Drain or Drains shall be Cut, or on which  
any such Arch or Arches shall be made,  
for the Damages which he or they shall  
or may thereby Sustain, as shall be Al-  
ledged and Judged by the next going  
Judge or Judges of Assize, or by the Ju-  
stices of the Peace, or the Major Part of  
them, at the next General Assizes or Quar-  
ter Sessions to be Holden for the County in  
which such Ground shall be Laid into the  
said High-Ways or Roads, and through  
which any such Drain or Drains, Ditch or  
Ditches shall be Cut or Made, or on which  
such Arch or Arches shall be Erected or  
Made, or such Cause-Ways Made, in  
Case of any Difference Concerning the  
same; And if any Owner or Occupier of  
any Water-Courses, Ditch or Ditches Ad-  
joining to the said High-Ways or Roads,  
shall Neglect or Refuse to Scout or Cleanse  
such Water-Courses, and to make such  
Ditches so Deep and in such Manner as  
the Surveyor or Surveyors shall Adjudge  
proper and Convenient, after Ten Days  
Notice shall be given for that purpose,  
by such Surveyor or Surveyors, or such  
person or persons as shall be Appointed  
by him or them, to such Owner or Owners,  
it shall and may be Lawful to and  
for the Surveyor and Surveyors to  
Set

Set any Man or Men to Work to Scour CHAP.  
or Cleanse, and Make the same, and by XIX.  
Warrant in Writing, under the Hands  
and Seals of any Five or more of the  
said Trustees, to Levy the Charge thereof  
upon the Persons Goods or Estates of the  
Owner or Owners, Occupier or Occupiers  
of such Water-Courses, Ditch or Ditches,  
by Distress and Sale of his, her, or their  
Goods and Chattels, Rendering the Over-  
plus (if any be) to the said Owner or  
Occupier, after all Charges paid.

And Whereas the said High-Way or  
Road, Leading from the said Town of  
Athy in the County of Kildare, through  
the said Towns of Castlecomer and Old  
Leighlin to and through the said Town of  
Leighlin Bridge, may be Considerably Short-  
ened and Made much more Convenient  
for Travellers, if the same was Carri-  
ed Streight, and in Direct Line, Where  
the same is now Crooked;

For Remedy Whereof, and that all Just  
and Reasonable Satisfaction may be given  
for the Land made Use of in Carrying  
such Road Streight as aforesaid;

Be it further Enacted by the Authori-  
ty aforesaid, That it shall and may be  
Lawful, to and for the said Trustees, or  
any Eleven or more of them, to Ascer-  
tain, Describe and Set apart, such part  
and

CHAP. and Proportion of the Lands Adjoyning,  
XIX. or Contiguous to the said High-  
Way or Road, or whiche otherwise Lyes  
most Convenient for Carrying on and Con-  
tinuing the said High-Way or Road  
Streight and in Direct Lines, as they the  
said Trustees, or any Eleven or more of  
them, shall Judge Necessary for Carrying  
the same Streight and in a Direct Line  
as aforesaid; And the said Trustees, or  
any Eleven or more of them, are hereby  
further Authorized and Impowered, to  
Treat and Agree with the Owners and  
others Interested in the said Ground, to  
be made Use of in Carrying the said Road  
Streight as aforesaid, for such Recom-  
pence and Satisfaction to be made for  
the same out of the Tolls and Duties  
Arising by Virtue of this Act, as the said  
Trustees, or any Eleven or more of them,  
shall think fit and reasonable; And in  
Case any Person or Persons shall Neglect  
or Refuse to Treat or Agree as aforesaid,  
or through any Disability by Nonage, Co-  
verture or Special Limitation, in any  
Settlement or Settlements, or by Reason  
of any other Impediment cannot, or other-  
wise holdsoever, Refuse to Dispose of their  
respective Interest in such Land as the  
said Trustees, or any Eleven or more of  
them, shall think Convenient, for the Short-  
ening the said Road; In every such Case,  
the said Trustees, or any eleven or more of  
them, are hereby Authorized and Impow-  
ered

ered to Issue forth their Warrant or CHAP.  
Warrants, to the Sheriff or Sheriffs of XIX.  
the County wherein such Ground doth  
lie, to Impannel and Return before the  
said Trustees, or any Eleven or more of  
them, at such Time and place, within  
the said County, as shall be Appointed  
in such Warrant or Warrants, a suf-  
ficient Jury, who upon their Oaths, which  
said Oaths the said Trustees, or any Ele-  
ven or more of them, are hereby Impos-  
ered and Requited to Administer, shall  
Enquire into the true and real Value of  
such Ground, to be made Use of for the  
said High-way or Road, and such Ver-  
dict or Inquisitions as shall be so found  
and returned by the said Jury, Ascertain-  
ing the Value of such Ground, shall  
be Final and Conclusive, as well to the  
said Trustees, as to the several and re-  
spective Owners and Proprietors of such  
Grounds, notwithstanding any Disability  
or Incapacity whatsoever.

And for as much as the Money to  
be Collected by such Receipt of the said  
Toll, will not be at present Sufficient for  
the Speedy Repairing of the said High-  
ways or Roads;

Be it further Enacted by the Authority  
aforesaid, That the said Trustees, or any  
Fifteen or more of them, shall and may,  
and are hereby Impowered, from Time to

CHAP. Time, by Writing under their respective Hands  
XIX. and Seals, to Assign over the said Separate  
Toll or Duty hereby granted, or any part  
thereof, the Costs and Charges whereof to  
be borne and paid out of such Separate  
Toll or Duty, for any Term or Time  
during the Continuance of this Act, as a  
Security for any Sum or Sums of Mo-  
ney by them to be Borrowed for that pur-  
pose, to such Person or Persons, or their  
Trustees, who shall Advance and Lend the  
same, to Secure the Re-payment thereof,  
with Lawful Interest, or Less, if the  
same can be so had, which said Money  
Borrowed, shall be Applied and Disposed  
of as the Toll or Duty is, by this Act,  
to be Applied and Disposed of, and to no  
other Use or Purpose whatsoever.

And be it further Enacted by the Au-  
thority aforesaid, That it shall and may  
be Lawful to and for the said Trus-  
tees, or any Five or more of them, from  
Time to Time, during the Continuance  
of this present Act, to make out War-  
rants or Orders in Writing, under their  
Hands, Directed to the Treasurer or Re-  
ceiver of the said Tolls, Requiring him  
to Pay thereout to the Person or Persons  
Named in such Warrant or Order, their  
Executors, Administrators, or Assigns, the  
growing Interest of the Sum of Mo-  
ney mentioned in such Warrant or Order,  
as the same shall, from Time to Time, be-  
come

come Due, until such Time as the p̄in-  
cipal Sum mentioned in such Warrant CHAP.  
or Order shall be paid off and Discharg- XIX.  
ed at One intire Payment.

Provided that no Warrant or Order  
to be Issued to the said Treasurer or Re-  
ceiver, by Virtue of this Act, shall be for  
any greater Sum than fifty Pounds.

And be it further Enacted by the Au-  
thority aforesaid, That all and every Per-  
son or Persons to whom such Warrants  
or Orders shall be given, his, her, or their  
Executors or Administrators may, by En-  
dorsements on such Orders or Receipts,  
Transfer the Right and Benefit of the  
Sum mentioned in such Warrants or  
Orders, which Endorsements, upon Notice  
to the Treasurer or Receiver of the said  
Tolls, and an Entry or Memorial thereof  
made, in a Book to be Kept for that pur-  
pose, which the said Treasurer or Receiver  
shall, upon Request, without Charge, Fee,  
or Reward, make accordingly, and shall,  
upon the like Request, Permit to be Wielb-  
ed, at Reasonable Hours, without Fee or  
Reward, shall Intitle the Indorsee or Af-  
signee, his or her Executors, Administrators,  
or Assigns, to the Sole Benefit of the Sum  
so Transferred or Assigned, and that the  
said Warrant or Order may, in like Man-  
ner, be Assigned or Transferred by such  
Assignee, his or her Executors or Admi-

CHAP. nistrators, and so toties quoties; And that  
XIX. after such Assignment, it shall not be in  
the Power of the Person or Persons who  
made such Assignment, to make Void,  
Release, or Discharge the said Assignment,  
or the Sum thereby Transferred or Assign-  
ed, or any Part thereof.

And be it further Enacted by the Autho-  
rity aforesaid, That the Treasurer or Re-  
ceiver of the said Tolls shall Arithmeti-  
cally Number all the Warrants or Or-  
ders which shall be Given or Delivered out,  
in Pursuance of this Act, as they shall be  
Delivered out, Commencing by Number  
One, and so Continuing the Numbers till  
the Whole be Arithmetically Numbered.

And be it further Enacted by the Autho-  
rity aforesaid, That the several Tolls and  
Duties hereby made payable, shall be Ap-  
plied and Paid to the Discharge of the  
Interest of so much Money as shall be Borrolded in Pursuance of this Act, and  
towards Repairing the said Roads, and  
that all the Surplus of the said Tolls  
and Duties hereby made payable, Over  
and Above what shall be Sufficient to  
Discharge the said Interest, and Repair  
the said Roads, shall be Applied in Dis-  
charge of the Principal Money so Borrold-  
ed, in the Manner hereinafter Mentioned,  
(viz.) That When and as often as such  
Surplus,

Surplus, Received by the said Treasurer or Receiver, shall Amount to the Sum of Two hundred Pounds, then the said Treasurer or Receiver shall Cause the Numbers of all the Warrants or Orders, which shall be Issued and Delivered out, in Pursuance of this Act, and the Sum therein Contained to be Written on several Tickets or pieces of Parchment, and to be Rolled and Solved up, and put into a Box or Urn, and well Mixed together, and an Indifferent Person, to be Appointed by the said Trustees, or any Five or more of them, shall Publickly, between the Hours of Ten and Twelve in the Forenoon, of a Day to be by the said Treasurer or Receiver, Publickly Advertised in the Dublin Gazette for that Purpose, at least Twenty Days before, at Castlecomer, Athy, or Leighlin Bridge, Draw out of such Box or Urn as many of the said Tickets or pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Two hundred Pounds; And the Person or Persons, the Number of whose Warrants or Orders shall be so Drawn, his, or their Executors, Administrators or Assigns shall, Within Twenty Days after the said Warrants or Orders shall be Drawn as aforesaid, be Paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively Due, with the Interest for the same till Paid, and shall, upon Payment thereof, Deliver up his and

CHAP. their several and respective Warrants or Ord-  
ders to the said Treasurer or Receiver to be  
Cancelled, which he is hereby Required to do  
Cancel accordingly, and the Interest pay-  
able by Virtue of such Warrants or Ord-  
ders shall Cease from the Expiration of  
Twenty Days to be Accounted from the  
Day of Drawing the said Tickets or Pieces  
of parchment.

Provided alwayes, That in Case there  
shall be more than One Gate or Turn-  
pike, in, cross, or on the Side of the said  
High-Ways or Roads, betwixen the said  
Tolbo of Athy, in the County of Kildare,  
and the said Tolbo of Leighlin Bridge, in  
the County of Carlow, or betwixen the said  
Tolbo of Castlecomer and Leighlin Bridge,  
no Person or Persons having paid the Toll  
or Duty at the first Gate or Turn-pike  
through which such Person or Persons  
shall pass, and producing a Note or  
Ticket that the said Toll or Duty was  
paid (which Note or Ticket the Re-  
ceiver or Receivers, Collector or Collectors  
is, and are hereby Required to give Gra-  
tis) shall be Liable to pay any Toll or  
Duty at any other of the said Gates  
or Turn-pikes, upon the said High-Way  
or Road, such Person or Persons Deliver-  
ing the said Note or Ticket to the said  
Receiver or Receivers, Collector or Col-  
lectors of the said Toll or Duty, at the  
Last Gate or Turn-pike the same Day,  
and

and no Person or Persons having Occasion to pass the place or places where the Toll or Duty is taken, who shall return the same Day upon, or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaise, Chair, Calash, Waggon, Cart, Carr, or other Carriage, shall be Liable or Compellable the same Day, to pay the said Toll or Duty more than Once on the said Road.

And for the preventing Frauds and Abuses in the said Toll or Duty; Be it Enacted by the Authority aforesaid, That if any Person or Persons having paid the Toll or Duty by this Act Granted and made payable, and having such Note or Ticket, Notes, or Tickets, as is hereby Directed, shall Give or Dispose of the same to any other Person or Persons, in Order to Avoid the payment of the said Toll or Duty, every such Person Giving, Disposing, or Offering, and the Person Receiving such Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or more Witness or Witnesses, before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace for the County, wherein such Offence or Offences shall be Committed, (which Oath the said Trustees, and the said Justice or Justices are hereby Impowered and Required to Administer) shall respectively forfeite

CHAP. feit and pay the Sum of Ten Shillings,  
XIX. to be Levied, Recovered and Disposed of  
as any other Penalty or Forfeiture is Di-  
rected to be Levied, Recovered, and Dispo-  
sed of by this Act.

prohibited alwayes, and be it hereby De-  
clared, That during the Continuance of  
this Act, all Coaches, and Passengers on  
Horseback, shall pass and Repass Toll  
free, on the Day or Days on which there  
shall be an Election, for Knight or Knights  
of the Shire, to Serve in Parliament for  
the said Counties of Kildare, Queen's  
County, Kilkenny, and Carlow, or for any  
Burgesses to Serve in Parliament, for any  
Boroughs in the said Counties respectively;  
Any Thing herein contained to the Con-  
trary notwithstanding.

And be it further Enacted by the Au-  
thority aforesaid, That the said Trustees,  
or any Fifteen or more of them, may,  
at any Meeting to be held by them, from  
Time to Time, as they shall see Conve-  
nient or Think fit, to Contract with any  
Person or Persons for the Farming and  
Letting the Tolls arising by this present  
Act, for any Sum or Sums, by the Year,  
to be Paid by Monthly or Quarterly Pay-  
ments, or otherwise, to such Person or Per-  
sons as shall be Appointed from Time to  
Time by the said Trustees, or any Five  
or more of them, to Receive such Quar-  
terly,

terly, or other Payments, as shall be Contracted for, after such Contract or Agreement shall be made; Provided such Term, so to be Granted by them, of the said Toll, shall not exceed the Term of Two Years, at any One Time of Letting or Farming the same, and so toties quoties.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Ten or more of them may, and are hereby Impowered, from Time to Time as they shall See Convenient or Think fit, to Compound or Agree by the Year or otherwise, with any Person or Persons Using to Travel through the Turn-pike or Turn-pikes to be Erected, with any Milch Cows, Horse, Mare or Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Carr, or any other Carriage, for any Sum or Sums of Money, to be paid Quarterly, from Time to Time after such Agreement shall be Made.

Provided alibays, And be it further Enacted by the Authority aforesaid, That no Side-Gate shall be Erected or Set up Within Six Miles of the said Town of Athy, and Five Miles of the said Town of Leighlin Bridge; And the said Trustees or any Five or more of them, shall be Obliged to Compound and Agree by the Year, if Required, with any Person or Persons

CHAP. Residing Within any Parish through  
XIX. which the said Turn-Pike Road is to  
pass, Keeping a Coach, Chaise, or Chair,  
for any Sum not Exceeding Five Shil-  
lings, and the Sum of One Shilling  
With every other Person, Excepting for  
Carts, Carrs, or other Carriages Laden  
With Coals, and other Persons Carrying  
Goods not their own Property for Hire.

Provided also, And be it hereby Declared by the Authority aforesaid, That no person shall be Charged With any of the Tolls and Duties aforesaid, Who shall pass through any of the Turn-Pikes to be Erected by this Act, Who shall Carry any Quantity of Stones, Gravel, or other Materials, for Repairing the said Road, or any of the Roads in the Parish-  
es in Which the same do Lye, or in any of the Neighbouring Parishes; Nor shall any Person or Persons be Chargeable With the said Toll or Duty, for any Carts, Carrs, or Waggons, Loaden With Corn in the Strand only; Nor for any ploughs, Hattocks, or other Implements of Hus-  
bandry, in Order to the Using or Repair-  
ing the same, in the several Parishes in Which the said High-Ways or Roads, hereby Intended to be Repaired, do Lye; Nor shall any Toll or Duty be Demand-  
ed or Taken, at any of the Turn-pike or Turn-pikes to be Erected, for any Horse, Mare, or Gelding, or Mule, or other Cattle

Cattle Going to Water, or for any Post  
Horse Carrying the Mail or Packet, or for  
such Horse as is or shall be Used only to  
Ride on, by the Owner or Driver of any  
Waggons, Cart or Carriage, Prohibited  
such Horse Pass through the said Turn-  
pike or Turn-pikes, With such Waggons,  
Cart or Carriage; Nor shall any Toll  
or Duty be Demanded or Taken for the  
Horses of Soldiers passing, that are up-  
on their March, or for Waggons, Carts,  
Carrs, or other Carriages attending them,  
or for Horses, Waggons, Carrs, Carrs,  
or other Carriages, Travelling with Ma-  
grants Sent by Passes, or with Prisoners  
Transmitted from One Part of the King-  
dom to another.

And be it further Enacted by the Au-  
thority aforesaid, That the Toll or Duty  
hereby Granted, shall Take place, and  
have Continuance from and after the first  
Day of May, One thousand seven hundred  
and fifty two, for, and during the Term  
of Sixty one Years.

Provided nevertheless, That if at any  
Time before the Expiration of the said  
Term of Sixty one Years, all Parts of the  
said Roads shall be Sufficiently Amend-  
ed and Repaired, and so Adjudged by the  
Majority of Trustees Appointed, or here-  
after to be Chosen by Virtue of this Act,  
by an Adjudication Made, and Repayment

CHAP. of such Money as shall have been Ad-  
XIX. vanced or Borrowed, with Interest for  
the same, and the Costs and Charges  
thereof; The said Tolls and Duties shall  
Cease and Determine; Any Thing here-  
in Contained to the Contrary notwithstanding.

And be it further Enacted by the Author-  
ity aforesaid, That the said Road or  
Roads shall be Repaired from the said  
Tollbar of Athy, in the County of Kildare,  
through Part of the Queen's County, and  
through the Tollbar of Castlecomer, in the  
County of Kilkenny, to the Tollbar of Old  
Leighlin, and from thence to and through  
the Tollbar of Leighlin Bridge, in the Coun-  
ty of Carlow.

And be it further Enacted by the Author-  
ity aforesaid, That for the Continuing a  
Sufficient Number of able Persons, to be  
Trustees for putting in Execution all and  
every the Powers in this Act Contained,  
for and During the Continuance thereof,  
it shall and may be Lawful to and for  
the said Trustees, or any Five or more  
of them, upon the Death of any of the  
said Trustees, or their Removal, or Refu-  
sing to Act in the said Trust, from Time  
to Time, and at all Times hereafter, Dur-  
ing the Term aforesaid, to Elect, Nom-  
inate, and Appoint in the Room of such  
Trustee or Trustees so Deceased, Removed,  
or

or Refusing to Act, any fit or Able Person or Persons, living in the said Counties of Kildare, Kilkenny, or Carlow, to be Join-  
ed with the said Trustees in the Exe-  
cution of all and every the Powder and  
Powers in them Reposed, by Virtue of  
this Act, and all and every Person and  
Persons so to be Chosen Trustee or Trus-  
tees, to Join in putting this Act in Exe-  
cution, as they are herein before Qua-  
lified to do, shall and may, and are  
hereby Impowered to Act, to all Intents  
and Purposes, in as full, large, and am-  
ple Manner as the said Trustees are by  
this Act Impowered to do, and so toties  
quoties, as often as Occasion shall require.

And be it further Enacted by the Autho-  
rity aforesaid, That the said Trustees, or  
any Nine or more of them, shall Meet  
at Castlecomer, in the County of Kilkenny,  
on the First Day of May, One thousand  
seven hundred and fifty two, and the said  
Trustees shall then Adjourn themselves,  
and afterwards Meet Alternately at the  
said Towns of Athy, Castlecomer, and  
Leighlin Bridge, as often as it shall be Re-  
quired for Putting this Act in Execution;

And if it shall happen that there shall not  
Appear, at any Meeting that shall be Ap-  
pointed to be Had or Held by the said  
Trustees, a sufficient Number of the said  
Trustees to Act at such Meeting, and to ad-

CHAP. fourt to any other Day, then, and in  
XIX. such Case, the Clerk of the said Trustees,  
by Notice in Writing, to be Affixed at the  
respective Gates or Turn-pikes, Where such  
Number of Trustees shall be wanting,  
at least Ten Days before the next Meeting,  
shall Appoint the said Trustees to Meet  
at the Towns of Athy, Castlecomer, and  
Leighlin Bridge Alternately, as is herein  
before Directed and Appointed, on that  
Day Fortnight; And that the said Trus-  
tees at their first Meeting, and at all other  
subsequent Meetings, shall Defray their  
own Charges and Expences.

Provided alwayes, and be it further En-  
acted by the Authority aforesaid, That no  
Person or Persons Appointed, or to be Ap-  
pointed by this Act, a Trustee or Trustees  
for putting this Act in Execution, shall  
Have or Accept of any Place of Profit Ari-  
sing out of, or by Reason of the Toll or  
Duty, by this Act Laid or Granted, but  
such Person or Persons shall be Incapable  
from the Time of Accepting and Conti-  
nuing to Enjoy such place of profit, of  
Acting as a Trustee.

And be it further Enacted by the Autho-  
rity aforesaid, That no such Trustee or  
Trustees shall, in his or their own Name,  
or in the Name or Names of any other Per-  
son or Persons, Undertake or Contract for  
the Repair of the said Roads, or any part  
of

of them, whereby any profit may Arise to him or them, but that from such Time he or they shall Cease to be a Trustee or Trustees; And that any Person or Persons that shall Undertake or Contract for the Repairing, or Amending the said Roads, or any Part of them, shall, if Required, take an Oath before the said Trustees respectively, or any Seven or more of them, which Oath they have hereby Power to Administer, that he or they do Undertake the same for his or their own Use, and not for the Use of, or in Trust for, any such Trustee or Trustees whatsoever.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons for any Thing done in Pursuance of this Act, that in every such Case, the Action shall be Laid in the said Counties of Kildare, Kilkenny, Queen's County, or Carlow, and not elsewhere, and the Defendant or Defendants in such Action or Actions to be brought, may Plead the General Issue, and Give this Act and the Special Matter in Evidence, at any Tryal to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; And if it shall Appear so to be done, or such Action or Actions shall be brought in any other County, that then the Jury shall find for the Defendant or De-

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CHAP. XIX. fendants, and upon such Verdict, or if the plaintiff shall be Non-Suited, or Discon-  
tinue his Action after the Defendant or Defendants shall have Appeared, or if on any Demurrer Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged, and Taken to be a publick Act, and be Judicially taken Notice of as such by any Judges, Justices, and other Persons whatsoever, without Specially pleading the same.

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